

MODERATOR: Today is Thursday, September 30<sup>th</sup>. This is the Ashwaubenon meeting for Annex 2001.

CHUCK LEDIN (in background): (not understandable) as much time as possible answering your questions and (not understandable). This is one of about 30 public meetings (not understandable) held across the region (not understandable) to provide opportunities for all of you to provide comments on (not understandable). (not understandable) future generations and the intention is that (not understandable) continue to cooperate and share the privilege of (not understandable). (not understandable) right now. (not understandable). Does anybody know what (not understandable)?

CHUCK LEDIN: Well, we have a pretty good idea of what people are taking out of the lake for service (not understandable). It's, we know a lot less about what's going on with the groundwater. In some cases we don't even know which direction the groundwater's moving. In some places it goes towards the lake. Other areas goes away from the lake. In case of the some of the aquifers we don't know whether or not they're even connected to the lakes or whether they just keep going (not understandable) layers, clay or shale, that prevent them from mixing with other groundwater, mixing with service water. There is (not understandable) area that we really need to know a lot more about (not understandable) surface water side, we have a pretty good sense of what people are using. But what we don't have a good sense is (not understandable) how much is lost. As an example (not understandable) water utilities pump a lot of water and some of the people are watering their lawns, gardens, washing cars. And as a result of that (not understandable) losses from the system. So there's definitely an area where we don't have much information about but at least (not understandable) how much is taken out we have pretty good info.

MALE: Is there anything in this proposal that (not understandable) conservation of water so that (not understandable).

CHUCK LEDIN: Yes, one of the things that (not understandable), if anyone trips the switch for a diversion of consumptive use, (not understandable) or an increase in a withdrawal – there's three different kinds – (not understandable) requirements are all the same. There would have to be a conservation plan that would be implemented in order for them to proceed.

MALE: (not understandable) conservation plan in the community or is (not understandable) individually to...?

CHUCK LEDIN: It would be either community or the case of an industry, a facility-based conservation. Or in the case of, it might even be a (not understandable).

MALE: The proposed agreement, how strong is it? I'm thinking 20, 30 years down the line, where (not understandable) or group of states would get together and sue to get relief (not understandable) water. Do you think there's a chance of this? How tight is this agreement?

CHUCK LEDIN: Well I'd invite Pete's comment on this as well but based on the legal analysis that's been done, we don't think that what we have is iron-clad. But what we think is it's the best game in town. We think that by the agreement of all the states and provinces, we think that by the establishment of standards that will be applied to every project, and we think that by institutionalizing this regional compact agreement by the adoption of Congress, that we will be able to foreclose those kind of options and should states actually want to move ahead – let's say somebody wants to come and get water to restore the (not understandable) aquifer because of overuse – we believe that the condition we're establishing for any diversion use, whether it's in the state or long distance, with the return flow requirement will, with a fairly stringent cost prohibition on anyone moving water out of the basin. It's...

MALE: The return (not understandable) requirements that will (not understandable) these people (not understandable).

CHUCK LEDIN: As well as the no adverse impact, the no reasonable alternates, all the other things. But we think that the return (not understandable) is a very significant impact. Pete?

PETE JOHNSON: (not understandable—talking away from microphone) What do you think? (not understandable) But I think it is fair to say that there are some (not understandable) there are some special legal (not understandable) if we were challenged (not understandable). And that is what you were talking about, about a standard having a rational basis, a science based basis for making decisions so that it is defensible (not understandable).

FEMALE: (not understandable)

MALE: What's the (not understandable)? Say no, don't buy this (not understandable) and just like (not understandable). (not understandable) allowing water diversion to wherever they want to (not understandable). There's no, nothing that anyone can do about that (not understandable) Congress acts to, to do that. Has to do that.

CHUCK LEDIN: I think the answer is we can't stop Congress. I think that an action by Congress that would take away the constitutional rights of states is a pretty significant action by Congress. And the fact that we still have at least 34 million people in the basin has some effect on the electoral college so I think that's, those are the issues that we are counting on right now to be the basis for preserving this. But it's not iron clad. It's not a guarantee.

MALE: I think that (not understandable). We're trying, part of what we're trying to do is, is create (not understandable) institutionalize it so it is (not understandable).

MALE: (not understandable) Congress would have to be (not understandable).

MODERATOR: Are there questions?

MALE: The Colorado River evidently has a lot of people that want to get there little piece of that water. Is there something we can learn from what's been done with different states (not understandable) we can reapply in this case. Do we have any precedents in terms of federal government trying to control some of that water versus the state's right to (not understandable)?

CHUCK LEDIN: I think there's lots of lessons to be learned here. (not understandable) Ranging from the kinds of water conservation systems that have been set up (not understandable). (not understandable) on the news a week ago (not understandable) in Las Vegas. (not understandable) They're giving a dollar a square foot payment to people to re-landscape their homes (not understandable) desert types of yards rather than lawns so that there's a whole different philosophy (not understandable). (not understandable) appropriation system we have, we almost (not understandable) water portion. And here on this side of the Mississippi River, we are strong, strong, strong advocates that water is everybody's water and that it's public water, not property (not understandable). So I think there's many of us who say we can learn from what's going on (not understandable). (not understandable) more conservation programs (not understandable). Some just don't fit with the system that we have here.

MALE: (not understandable) disagreement to protect us from (not understandable) international treaty (not understandable).

MALE Well we think that by setting up this standard again, which based on no adverse impact, no reasonable alternative, that we can sustain the Congress clause issues or the NAFTA trade agreement,

or any of those kind of other economic (not understandable) kind of rights and authorities by trying to establish an environmental basis for (not understandable) and a need to retain the water in the basin. We think that's the system that offsets those other vulnerabilities.

PETE JOHNSON: Yeah, I'm just (not understandable) trade law and other impact but I think it's probably safe to say that the more you base this standard (not understandable) resource protection (not understandable) the safer we are when we're talking about constitutional law, trade law. You can set it up as subjective resource versus (not understandable). That's why we have a series of resource standards (not understandable). Again, I'd like to add, we don't have what (not understandable). We don't have (not understandable) case law (not understandable) guide us. Right now we're going on legal advice, legal opinions that are pretty much speculative or based on other kinds of (not understandable). But dependant upon (not understandable) frankly, all these decisions are resource based on what we perceive to be in our best interests.

MALE: In case of a legal challenge, who would be the (not understandable) courts?

PETE JOHNSON: Well I think that would depend on who's making the legal challenge. If another state court was challenging us it would be in some kind of federal court. I think if a citizen suit was being, was challenging us, that would (not understandable). And if it was a challenge from one of the Canadian provinces it probably would be through diplomatic channels (not understandable).

MALE: It depends on the decision that's being challenged and who's doing the challenging (not understandable). (not understandable) It talks about venue and (not understandable) of action (not understandable).

MALE: OK. Can you hear me OK? If we lower the lake level (not understandable) utilize ports in the Great Lakes (not understandable). That's what (not understandable) out of our pockets.

MALE: I think those are the kinds of comments that we're looking (not understandable).

(not understandable)

MALE: Thank you.

MALE: I may be wrong on this but I'm just wondering, what's going on when I look at the watershed picture of Wisconsin with, I think it's Waukesha, (not understandable) watershed. (not understandable) this community in Milwaukee that's over the watershed (not understandable). They wanted to get in but they were out of the Great Lakes Basin watershed. Are you aware of this?

CHUCK LEDIN: Waukesha is located just outside the watershed (not understandable). There's some debate as to whether or not they're in the groundwater part of the basin or not. That has to be determined. Waukesha has made no proposal. There's (not understandable) in the newspaper about Waukesha and there's been a lot of misinformation (not understandable) or not going on. The facts are they're under an enforcement condition right now cause we're (not understandable). They need to do something. It's one of the fastest growing counties. They're looking to have some kind of long term solution. They have talked about looking at using Lake Michigan water (not understandable) even discussions or statements by the surrounding communities (not understandable) sell them water. But as (not understandable) outside basin, at least right now (not understandable). So there's been no proposal (not understandable) and no technical proposal (not understandable) DNR.

MALE: (not understandable) read an article or something where Jim Doyle was actually being, you know, was talking about this and said that he didn't know how (not understandable). Or whatever. (not understandable) conjecture at this point.

MALE: And what we try, one of the things that we try not to do is look at (not understandable) situation. What we try to do is set up a process that meets the needs of the lake. And once that's in place, then we'll look at the projects (not understandable). (not understandable) But the process should be (not understandable).

MALE: I a little late-comer to this discussion but I noticed most of the discussion now tonight so far is on use. I was wondering has anybody considered as they form these agreements, to discuss seriously the problem of pollution of the water. For instance Milwaukee dumping unlimited gallons of raw sewage in. Not to pick on Milwaukee, but they just managed to get (not understandable).

CHUCK LEDIN: Well I think Milwaukee wanted to be in the papers but I don't think they wanted to be for that (laughing, can't understand). Just my speculation. There (not understandable) law governing the water pollution. There's a permit program currently, this department actually has consent order which has been approved by EPA requiring (not understandable). That's been appealed and (not understandable) and there may be some additional lawsuits coming through the Department of Justice. But the whole system (not understandable) within this disagreement. The state's got to fight back hard. One condition that (not understandable) adverse impact. And the second is that any part of the project (not understandable) federal, state and local laws. So the water quality conditions are covered by this. At least, I shouldn't say they are covered, it's intended that they cover that.

MALE: One of the (not understandable) any violation (not understandable) or if they just decide that they want to (not understandable) pipeline, they're gonna divert water and they're gonna (not understandable). Do we have to go to a lawsuit or is it like an ordinance where you can automatically fine people or (not understandable) sue for damages?

CHUCK LEDIN: On the U.S. side, there is a section, excuse me, a compact (not understandable) that describes different enforcements and steps that would be available. Additionally there are once, if this were to proceed, once it was (not understandable) all of the state enforcement procedures and intervention processes and (not understandable) all would be available. The one area that is a little more difficult from an enforcement standpoint is on the international sign cause it's very difficult at that time to try to exercise some kind of a litigation from the state of Wisconsin against one of the provinces. But to overcome that we have an international agreement that spells out how we will interact with each other and how we'll work through these procedures. And I think the reality is, just as it was with the (not understandable) proposal which (not understandable) approved, the furor will be so severe that just as in that case, the project will be sustained, just by political and international (not understandable). But there is a series of processes (not understandable) as Pete had said earlier in the agreements that spell out who can do what under what circumstances. It gets more complex on the international front.

MALE: (not understandable) is reference to, for instance, any (not understandable) person, person's extremely (not understandable). So that states would have standards (not understandable). It's allowable under (not understandable).

MODERATOR: At this time we're going to do the oral statements and I'll read off your name and (not understandable) two at a time so if you're second in line, just stand and wait (not understandable). We'll try to (not understandable). Again I'll try to (not understandable) when I see that your time's running out. So the first person we have is Paul Mongin. And I apologize right up front. (not understandable). Next will be Leslie Koster (pronounced KO ster), Koster (pronounced KAH ster).

PAUL MONGIN: My name is Paul Mongin and I'm vice president of the Green Bay Chapter of Trout Unlimited here in Green Bay. I'm at 1151 Delray Drive. First off, I'd like to thank the Council of Great Lakes Governors and the DNR for having these hearings. Our chapter held a meeting and we're 244 members strong and we unanimously support what you're trying to do here, supporting the (stutter)

Annex Implementing Agreements. So we're unanimously behind you. We do think there's a couple of things that you should reconsider. One is for the threshold for large quantity withdrawals from, from the Great Lakes. We think any, anyone, any entity that wants to withdraw large quantities over a 30-day period should have a special permit and should have special review rather than base it on the gallon per day use of 30 days. We'd also like to see that this agreement would be phased in over the next five years rather than the next ten years because we think it's extremely important and time is of essence. As far as our chapter goes, you know, we use the Great Lakes for trout fishing. Obviously the Great Lakes water people support the trout streams that we fish. I mean, our chapter is, we're in our 30<sup>th</sup> year. We're having our 30<sup>th</sup> anniversary. We put a lot of sweat equity into keeping the resource clean, fishable, and drinkable. And so it's not just a recreation vote. It's also the jobs that this would support for our area. I think with water you have industry and I think we got to keep that water here. I don't think our Great Lakes replenishes themselves fast enough to be shipping it someplace else. And then we talk about the quality of life. I think, you know, everybody here just feels the same way. One of the reasons we live in Wisconsin is because of the water and the recreation that it has to offer. So I applaud your efforts and I'd like to see those changes considered and thank you very much.

LESLIE KOSTER: Good evening folks. My name is Leslie Koster (KAH ster). I reside in Amber, Wisconsin, a small rural community in northern Marinette County. I would like to thank the people hosting this event tonight and I find it very refreshing that the eight governing bodies and the two governing bodies in Canada have come together and recognize the value of the Great Lakes. One of the things I really like is the retention of the authority in the Great Lakes area. I'm glad you assumed that and I want to see that retained. And my big concern is the protection of the Great Lakes regarding pollution. Like this gentleman mentioned Milwaukee putting the raw sewage in. Most recently I have become aware of two fights in upper Michigan proposing a sulfite mine operation, one being in the Shanty Lakes area in Lake Township in Menominee County, along the Menominee River. And the other one is on the Yellow Dog Plains area west of Marquette, Michigan. And the one in Marquette is on Yellow Dog Plains. Yellow Dog Plains is 12 miles long and six miles wide. They have been drilling in that area for mineral testing and metallic testing. They found valuable resources like nickel, gold, silver and so forth. And during the sulfite mining process, when this (not understandable) is brought to the surface and oxidizes and then rainwater comes on it, we have acid rock (not understandable) creates a sulfuric acid run-off. And in the uh, in the processing end of it they use cyanide. They'll take pits as big as three football fields, crush the rock and pulverize it, add cyanide to it to extract the target minerals. Our federal EPA has deemed sulfite mining the biggest toxic polluter in our nation. And once this stuff is brought to the surface and processed again, it goes on indefinitely. The ore body could be extracted; the mine's gone, but this drainage still goes on. And the site on the Yellow Dog Plains will be directly affected(?) to Lake Superior, probably the cleanest, most pure, deepest lake we have. And there's three river on that area: the Yellow Dog, the Salmon Trout, and the Huron River. I can (not understandable) them. I have property up in that area, recreational property. That water is so clean, I would not hesitate to take a cup and drink it. It's that pure. The watersheds up there, our (not understandable) are so clean. It's a sin to even consider putting this type of mine in those areas. There's a small group of people I'm working with. We're trying to organize to help protect them sites. And if any news media here, I have some information packets about that. And what our group is planning to do – we already started – we have a copy of the Wisconsin Moratorium, Mining Moratorium, where we get 148 copies and send one to every legislator in Michigan and hope that they will adopt this moratorium. And I sincerely hope they do and I would hope that any of the governors in the surrounding states and the Canadian people would assert any influence they have to protect that Great Lakes area from that sulfite mining operation. Thank you very much for hearing me.

MODERATOR: Charles Kottke and then Ed Wilusz.

CHARLES KOTTLE: Well uh, this is a good meeting. I'm glad to be here. I'm new to this in some ways. Great Lakes Council of Governors I think is doing a great job and I think this is an important

thing that we should do. I'm also concerned as Les is about the mining issues all throughout the Great Lakes region and there has been a long history of mining and some of the mining forms are not as poisonous as others. I guess one of mine main concerns is that the sulfite mining which we're discussing tends to be something where once you have pollution in the water and you have it in the sediments it becomes almost like a PCB issue where, how do you reverse that. And it has a high toxicity at variable levels. So I guess I'm hoping that this agreement, and it sounds like it does have some teeth, has enough teeth to prevent something like that from happening before it starts because it's sort of like a 'how do you put the genie back in the bottle' problem. Pete eluded to the fact that it does, in a general sense, contain a very good clause that protects us. But it's just a major concern and I think some pollution forms, if it's a discharge of something like raw sewage, well eventually I think nature has a way to correct for that. But mining issues are another matter because these minerals, even some of them are radioactive – in the case of some of them Canada(?) I believe – so these are issues that are very close to my heart because we all drink the water and when you live right there you realize it a lot more than if you don't. I just wanted to say that hopefully this will improve some of our ability to correct the potential disasters that we don't want to see any more of in this world and certainly if it involves water quality that everyone needs, this is something we have to address. For instance, if the Menomonee River were contaminated the water may flow down into the Bay of Green Bay and that contamination could be a problem for people getting their water for the cities of Marinette and Menomonee. And these are issues that could last for many, many years, much as the PCB issue has. So as a matter of concern, that's my comment. Thank you.

MODERATOR: Please remember to state your name, address and any affiliation (not understandable) group.

ED WILUSZ: I'm Ed Wilusz. I'm the Director of (not understandable) Relations with the Wisconsin Paper Council. The Paper Council is the trade association for the paper industry here in Wisconsin. The Wisconsin Paper Council shares the view that the Great Lakes are a public treasure. We agree that the Great Lakes must be protected and believe that the responsibility for protecting the Great Lakes should be retained by the state and the provinces. The Great Lakes, however, are not only a spectacular resource, they are an important economic resource. The Great Lakes provide water resources necessary for the generation of hydroelectric power, cooling at electric generating plants, municipal drinking water systems, agriculture and industrial uses like papermaking and food processing. Access to and sustainable use of this water resource is important to the paper industry, one of the key economic sectors in Wisconsin and other Great Lakes states. Balancing resource and economic interests requires sustainable use practices. Our commitment to sustainable use is demonstrated by statistics that show on a national basis papermakers reduced water use per ton of production by almost 50% between 1975 and 2002. And right here in Green Bay, Green Bay Packaging operates one of the few zero discharge mills in the world. Water use is minimized by recycling and reuse and clean-up throughout the mill. Regarding Annex 2001 and the implementation documents that are the subject of this hearing, we believe that the draft documents, in fact the Annex itself, go far beyond what is necessary to protect the Great Lakes from large scale water diversions. The scope is too broad, potentially covering many small in-basin economic activities and the (not understandable) framework is too complex and burdensome. The fact that the water (not understandable) representing Great Lakes states and provinces spent three years trying to implement implementation procedures and were unable to resolve all of these issues is evidence of this. As initial matter, we disagree with the basic premise that existing legal mechanisms are inadequate to prevent large-scale, out of basin diversion. Consequently we disagree that the regulation of in-basin consumptive uses is a necessary pre-requisite for the regulation of out of basin basin diversions. The (not water management working group requested comment on several specific issues. The following comments address some of these issues. Regarding changes to the regional review process, we think substantial changes are needed. From the basic standpoint of making the process workable, it would make much sense if the review took place on a programmatic basis. Let each state develop a program that's consistent with the regional (not understandable—coughing) and have the consistency reviewed by the regional body. Once the state program is deemed to be consistent with the regional requirements then

it can operate in relative autonomy consistent with the regional system, without other states or regional groups second-guessing every decision. Regarding regional voting, the answer ultimately depends on what the regional body ends up voting on. But a unanimous standard for diversion seems to be too extreme. Regarding enforcement, the proposed system of multiple jurisdictions having enforcement authority plus (not understandable) is a nightmare for industries trying to comply with the law. We recommend state enforcement authority only. Regarding the threshold levels for regional review, if states and provinces are given the autonomy to implement the bulk of the program consistent with the regional framework as we propose, the regional review should occur only for the very largest projects that could truly have regional impacts. While we do not have a recommendation for a specific threshold at time, it should clearly be above the 1 in 5 million gallon levels proposed. Regarding a decision-making standard relating to improvements to the Great Lakes, this appears to be an unworkable concept. No one has any idea how it would be made to work, including us. It is vague and subjective and for those reasons subject (not understandable). There are a couple of other elements of the implementation documents that we want to touch on. It is our view that the annex clearly applies only to new or increased withdrawals. We have never heard it characterized otherwise. However, section 9.3 of the compact could be read to require that any withdrawal over 100,000 gallons per day...(interrupted)

MALE: (not understandable).

MALE: Excuse me. (not understandable). We want another opportunity for (not understandable). Want to bring another microphone up. Some people are having difficulty hearing. (not understandable) and just pass it on to the next person, OK? It needs to be rather close (not understandable) directly. (not understandable).

MALE: I think if you speak in, does that work better? Yeah, you have to get really close to these microphones to...

MALE: How about this one? OK. Alright. I'll leave this up here.

MODERATOR: Next is Robert Schmit. Remember, please state your name and (not understandable) address and (not understandable).

ROBERT SCHMIT: My name is Bob Schmit. I live at 1736 Carroll Avenue, Green Bay, Wisconsin 54304. I belong to several other, several groups here in Wisconsin, environmental groups that is. But tonight I'm speaking as President of the Wolf River Watershed Alliance. The Wolf River Watershed Alliance is, charts can tell you, has been organized for almost 30 years to protect the Wolf River from what the two gentlemen were talking about which was sulfide mining. And we've done a pretty good job with that. In fact we've done such a good job of it that there is almost unlimited potential for pollution for the city of Shawano south. There was nothing, there is nothing from the city of Shawano north that's polluting the Wolf River at the present time other than natural phenomenon such as leaves and things. I don't know if I remembered to thank the Council of Great Lakes Governors or not and the DNR but I do and generally I approve of this whole proposed agreement. And I don't believe that it should be chopped up and left up to the states as the paper mills would love to have you do. It would be playing exactly into their hands. You get the paper mills fighting for something and you get a governor like the guy named Thompson and forget about the agreement, you'll never get anywhere. This should be kept international and it should be kept unanimous. And (not understandable) the way you've got, 10 years is much too long. The Council of Great Lakes Governors and the Province of Governors only took three years to come up with this thing and I think they've done a heck of a good job. You're never going to get a perfect agreement no matter what you do. So let's go with what we've got and improve it from there. But let's get it going. I've been around now for 82 years and this is the closest I've come to seeing the Great Lakes protected. We need a lot more protection than this and we're not going to get it, for instance, the conservation clause, until we start charging these paper mills and power companies and so

on for the kinds of water that they use. \$1.51 a thousand gallons for somebody where I'm a property owner here is costing me \$2.85 a thousand gallons. It's just, to me it's outrageous. In other words, we're rewarding these people for using more water. And that ought to be stopped. And the people that need to stop it is the DNR and the, what do they call, the Public Service Commission which of course until a short time ago was controlled by the paper mills and the other industries. In other words, let's get a-going on this doggone thing. Maybe I'll see it go through before I die. Thank you.

DEREK SCHEER: My name is Derek Sheer and I live in Madison. I'm the Water Policy Director for Clean Wisconsin. On behalf of Clean Wisconsin's 10,000 members and coalition partners, we've been working on this issue for a couple of years. We're very supportive of this effort. Sorry. Very rarely am I told I don't speak loud enough. This draft is well done and indicative of the outfit that created it. I'd like to congratulate the working group. Specifically I'd like to praise the compact for recognizing the connections that bind communities that line the Great Lakes. What we do with our water has a direct affect on those and other areas. For that reason we should be able to comment on big water projects. With this in mind, we'd like to point out that the public participation and enforcement provisions are well thought out and necessary. In particular making attorneys fees available helps guarantee enforcement and protects the compact from budgetary or political whims. Maintaining regional public participation with the emphasis on conserving, restoring and improving the Great Lakes is critical to the compact's success. There are, however, areas needing further consideration. Please strengthen the compact by setting conservation measure that include definitions and benchmarks. The quickest way we can solve water shortages is through conservation. Around the world and throughout the country communities are, use significantly less water than we do here. We hear from time to time about industries managing water use and using less water. In Madison one good (not understandable) recently reduced their water by a million gallons per day. Paper industry just spoke about their reductions. By requiring conservation, I'm sure we can decrease the, our demand. We also need to change improvement standards so that it applies to all withdrawals, not just diversions or the largest consumptive uses. Subjecting new and increased withdrawals to the standards of conservation, no harm in improving, is a core commitment was a core commitment for the Annex 2001. Section 9.3 (not understandable) and improvements standard from state or jurisdictional review. This is not appropriate. We also feel that the return flow provisions need to establish rigorous consumptive use standards on strict time uh, (not understandable). Near basin communities have already begun lobbying for water, for including water that flows back into the groundwater system. That should be included in the return flow. This is just an example of why it's necessary to (not understandable) consumptive use standards and (not understandable). The water withdrawal averaging should be over 30 days. 120 days is not the state of the art. It's too long. 30 days is the current averaging standard for the Wisconsin Groundwater Protection Act. It's long enough to protect one-time or short-term water withdrawals while capturing and regulating large or intermittent seasonal withdrawals. The phase-in of five years is too long, or of ten years is too long. Five years would be more appropriate. And last night I heard about a company that was looking to utilize a very large withdrawal to cool their power plant but also to dilute certain chemicals as they put the chemical back out into the water. And I think we should absolutely make sure that none of the water we're withdrawing and regulating should be used for diluting chemicals. Thank you for the opportunity to speak and I'll submit written comments (not understandable).

MODERATOR: Cheryl Mendoza and then Wayne Schroeder.

CHERYL MENDOZA: Good evening. I am Cheryl Mendoza with the Lake Michigan Federation. We have offices in Milwaukee, Chicago and Grand Haven, Michigan. For a long time, many of us in the region have operated the myth that the Great Lakes are inexhaustible and because of that we don't regulate its use. But that same thinking, if we learned past experiences, has crippled commercial fishing and harmed our (not understandable) for decades. And in the end that provides bad for business and bad for the environment. And water's too critical to our future to leave these decisions unmanaged. We need greater protections and we need them soon. And the one thing that I really want to do tonight is



to commend the work that's been done. Thank you. We know it's been hard. We know it's been daunting. And these are excellent first steps to manage water use, to reduce our region's culture of wasteful water use. And they include forward-looking provisions that guarantee public participation that we are supportive of. Also enforcements to ensure that no one industry, one person, one entity benefits from the use of water at the expense of others. Many of us will probably hear a lot more leading up to the close of the October 18<sup>th</sup> public comment period about how creating standards to reduce wasteful water use means a loss of jobs. Minnesota and Ontario, however, we do want to point out, have had water use laws on their books for years and they're hard-pressed to find anyone that has lost a job because of better management of the public's water supply. And we want to thank the governors for coming out with this in the face of this opposition. And I hope all of us will continue to challenge these scare tactics as we move ahead to ensure that our region's water's around for generations to come. Better productions today are the smartest way to guarantee sustainable economy and jobs in the future. We would like to, however, recognize one major improvement that should be incorporated to ensure the final policies will survive constitutional and trade agreement scrutiny and go as far as we can to protect water for future generations. As currently proposed, the compact creates different standards based on locations rather than on conservation and protection of the resource. For example, a diversion of a million gallons of water a day is considered significant enough to go to regional review. However you have to have five times that much water loss or five times that much impact from an in-basin water use, even though the water is still being lost to be considered enough to go to regional, significant enough to go to regional review. Our recommendation is that these losses should be the same, whether the loss is from a diversion or from an in-basin use and should be at 1 million gallons a day. A diversion of water from outside the basin totaling 1 million gallons a day is only considered approvable (sneeze), excuse me, if there are no vetoes. However, those in-basin water losses having five times that much impact, 5 million gallons of water a day can still be approvable, even if two states veto them. Doesn't make sense to treat them differently. And we're just hoping that any proposal considered significant enough to go to regional review should not have any vetoes to that project to be approvable. And while diversions of consumptive losses require an improvement of consumptive losses of 5 million gallons of water a day, the withdrawals or in-basin withdrawals, the bulk of the proposals going even through this process of 100,000 gallons per day don't require an improvement or restoration project. Such distinctions don't make good sense environmentally, economically or legally and they do not fulfill the promise of the Annex 2001 Agreement which is (not understandable) the standards, we're not allowed to discriminate under the U.S. Constitution and International Trade Agreements. We're not allowed to give ourselves a break. We're making it tougher for those tougher for those outside the basin to withdraw water. And I think my time is up. I'll save the rest for later.

MODERATOR: Ken Blomberg.

WAYNE SCHROEDER: Good evening. My name is Wayne Schroeder. I'm from Grand Chute, Wisconsin. I'm the County Sheriff for Outagamie County for the Conservation Congress and President of the Fox Valley Conservation Alliance. I believe this agreement should be put on a fast track so it is implemented at the maximum of five years and not the proposed 10 years. The agreement needs to spell out exactly the water conservation measures needed to protect the Great Lakes. I support the draft agreement as far as it has gone now and hopefully it will go further to protect our environmental and economical situation. The permit system must be monitored every step of the way. Environmental and economic impact statements should be required for each permit. Thank you very much for all your work you've done on this and we're looking forward to the final drafts and final revisions. Thank you.

MODERATOR: Next is Kurt Pagel.

KEN BLOMBERG: Good evening. My name is Ken Blomberg. I'm Executive Director for the Wisconsin Rural Water Association and our state office is located at 350 Water Way in Plover, Wisconsin. Thank you for the opportunity to testify this evening. The Wisconsin Rural Water

Association represents 647 public water supply systems in the state of Wisconsin and by my count, from the maps that you have here today, the basin in Wisconsin touches all or part of 36 counties and will directly affect hundreds of public water supply systems in the state. We strongly support this proposed agreement by the Great Lakes Governors that would regulate large-scale diversions of water from this great fresh water resource. As demand for water increases here across the country and globally, the need for sound compact, for a sound compact becomes imperative. However, we recognize the possible impact of this agreement that may affect our membership. Mandatory water conservation provisions are a large portion of this document and the public water supply industry is prepared to support, within reason, such efforts within and outside the Great Lakes Basin. When appropriate, water conservation and pumping management is presently utilized by public water suppliers. (not understandable), leak detection (not understandable) are current priorities for public water suppliers and these measures support several issues addressed in the compact. When the Great Lakes Governors address applications as discussed in Appendix 8, we urge that the purpose of withdrawal concentrate on a method of prioritizing. Wisconsin Rural Water believes that drinking water for public health and safety should have a priority over all other purposes and we believe that wording should be in the compact reflecting that. Restricting communities from access to safe drinking water supplies should be avoided at all cost. So on behalf of the majority of public water suppliers in the state of Wisconsin, I wish you well in preserving the largest fresh water system on the earth. Ironically today in one of the local papers, on the front page, a community located in the Great Lakes Basin named Freedom faces the prospect of drilling a new municipal well to overcome a major private contamination problem. In this case, the compact must not add an additional financial or regulatory burden on a community that's facing 6 to 7 million dollars, a 6 to 7 million dollar remedy. Thank you.

MODERATOR: Kurt Pagel? Next will be Pete Petrouske.

KURT PAGEL: I (not understandable) an aside, just an aside, I thought it was kind of ironic when I looked at that sign up there. It said "best drinking water for the village of Ashwaubenon" and you know that within a couple of years they're gonna be drinking water out of Lake Michigan. I'm gonna speak kind of loud because I know a lot of you are hunters and a lot of you (not understandable) outdoor motors quite a bit and you don't hear any better than I do so. My name is Kurt Pagel, 1086 Melody Drive, Green Bay, Wisconsin. I'm Vice President of the Door Property Owners. We're a group of over 1700 members who own property, visit, or love Door County (not understandable) Wisconsin. It's an all-volunteer group. Our mission is to provide a forum for the discussion of land use issues and to support conservation with the Door Peninsula's natural scenic, cultural, and aesthetic resources, and advocate for region development that respects and enhances these irreplaceable resources. As you're aware, the Door County Peninsula encompasses the longest single county shoreline of the Great Lakes. We're 250 miles of shoreline, is home to commercial fishing, sport fishing, recreational boating, swimming, sightseeing, hunting, photography and just general relaxation for both mind and body. It's the reason that the number one industry in Door County is tourism which draws over 10 million tourists annually from all points in the United States, particularly the Midwest. It's an area of high property values and high emotional values as well. All of this is because of the abundance of water and the opportunities presented by being surrounded on three sides by the waters of Lake Michigan. Without this water resource, Door County would be just another farming county fighting for survival. Our very livelihood is dependent on or connected to this water resource. As our mission says, we advocate for respect and enhancement of these irreplaceable resources and as such as are vehemently opposed to any arrangements that might allow these waters to be diminished in any respect regarding quality or quantity. We are (not understandable) bedrock geology, we feel that it won't be long before Door County becomes dependent, like other Great Lakes communities, on the lake for its (not understandable) water supply as well as the other values we hold dear. To diminish this supply in any way would be detrimental to the health and welfare of the county and its citizens. The Great Lakes Annex is a start in protecting this resource but we must also include stronger language to spell out what types of water conservation measures must be taken by any potential including local users in order to minimize the non-returnable use of any water taken from the

lake. Perhaps the agreement should be shortened in order to minimize the possible long-term damage and to allow for corrections in agreements to take place more promptly when they're warranted. Any user of large amounts of water must be required to get a permit so that the usage and conditions can be monitored. Now, the proposed length of time is too long because it does not include the potential large seasonal users such as agriculture which are typically short-term. We feel that any user for more than 30 days must have a permit, preferably short if the user is very large. Possibly it should be devised as a 30-days or XX volume. Along with this volume feature, smaller users must somehow be monitored so that their cumulative use doesn't become a big problem, as big a problem as some of the large users. As you should feel in the tone of my address, we, the 1700 members of the Door Property Owners, feel quite passionately about this proposal and we would like to see the best proposal possible for the longevity of the lakes and the people who live and use them. We give this Annex a thumbs-up. Thank you for the opportunity to present our view.

PETE PETROUSKE: I'm Pete Petrouske from the Ashwaubenon here on Ponderosa Avenue. And thank you for the opportunity to speak. This is one of the best meetings that the DNR's put on. Number 1, low lake levels will be requiring the Corps of Engineers to dredge more to allow overseas ships to utilize ports in the Great Lakes. Please put the agreement in place and enforce the compacts and phase the agreement in in 5 years instead of 10. Please. And I want to thank you. I'm gonna be short.

MODERATOR: George Meyer? And the next will be Curt Andersen.

GEORGE MEYER: Thank you very much for the opportunity to be here tonight. My name is George Meyer. I live in Madison, Wisconsin. And I'm Executive Director of the Wisconsin Wildlife Federation and representing the organization here tonight. We are the largest conservation organization in the state. We represent 89 hunting, fish and trapping groups located throughout the state. Many of those organizations, 36 of them, are within the Great Lakes Basin, both Lake Michigan and Lake Superior. We have heard very strongly from our membership on this issue and strongly support all the efforts of the Great Lakes Governors in (not understandable) this agreement. It's pretty amazing to see eight states with their diversity come together with this strong (not understandable) and even recognizing that during the negotiation of this there was a significant turnover of governors and the new governors came in and picked up and went for it. I think that bodes well for the future of this agreement. Our membership strongly supports this for many reasons. But obviously by the nature of these groups, the protection of fish and wildlife habitat is paramount in retaining the water in the lakes, (not understandable) habitat is very, is critical. But we go beyond that. Obviously many of our members use want to use this water for drinking and for their livelihood or for their sustenance. Many of them work for industries that use the water, in fact, depend on that water for the economics in the area. Now (not understandable) businesses that may be concerned about this agreement, we could lose substantial jobs (not understandable). I know that's not the prime reason for this and can't be the stated reason and clearly if water gets exported, (not understandable) we'll be exporting our jobs out of this basin also. We need to keep that in mind as we go forward. There's been some talk about the fact that there's questions whether this is necessary, some of these provisions are necessary to prevent challenges under the U.S. Supreme Court of these Interstate Commerce Clause and the World Trade Organization. But clearly, I think any (not understandable) any decisions that take place in regard to the Interstate Commerce Clause, and even some of the rulings in the World Trade Organization show that in fact if you are, if you try to base this type of effort on economics, it doesn't work. But if you base it on natural resources protections and very, very (not understandable) that you treat yourselves the same way that you treat potential, people across the line, you stand a better chance of winning those decisions. So we need, in fact, to assure that our uses within the basin are also reflective of the need to protect this resource. And I'd encourage the governors to keep that in mind as they go forward. There's some excellent provisions in this agreement. Requiring that you cannot take water unless there's no reasonable alternative. A significant adverse impact standard. (not understandable) adverse impact statement. The return flow provisions which obviously are important to sustain the ecology and (not understandable) you have some limitations on economics (not

understandable). You've got a lot of discussion on (not understandable) conservation. The upper Midwest per capita uses more water than most other places in this country. In fact all the places in this country. This country ranks one of the highest in the world in terms of water use per person. I think Japan is one of the few country that exceeds our interest. We can do a lot to conserve water in this state and region. In fact we should do so and set an example. I would encourage the (not understandable) governors to decide as a interim measure to come up with standards for conservation, even while they're going through the rest of the process. Another thing that is really outstanding is the requirement that someone that has to get a permit has do more to in fact improve the Great Lakes. (not understandable) requirements in terms of habitat restoration, or working on (not understandable) species or whatever. Indeed this is clearly an important agreement. We've heard many of the things that need to be improved. We endorse those and we will add to them as part of our written comments. Thank you very much for this opportunity.

MODERATOR: Curt Andersen? (Pause) John Trester.

JOHN TRESTER: Good evening. My name is John Trester. I live on Jourdain Lane in Elway. I'm unfamiliar with a lot of the compacts. I'm basically a transportation activist and I have a deep interest in the lake. I grew up in Sheboygan and I've always had very close contacts with the lake. I think number 1, we should stop the pollution, absolutely, right now. It's gone on far too long. I've seen too many chemical spills. I've seen raw sewage pumped into the lake. I've shoreline degradation. We must enforce the current laws. We must hire more cops, more prosecutors. Even give the prosecutors a piece of the action. We must impose huge fines against all violators. We must absolutely protect the water in this area. We must begin intensive conservation measures within the watershed. We must educate the people about our wonderful resource and how to protect it. The looming world crisis of fresh water will impact us hugely in the very near future. I don't know if you people here realize it tonight, but most of the people on this planet use less than a gallon of water a day. We use over 80 gallons a day in this state. It's tremendous how much water we waste. But we shouldn't ship it anywhere. I really have no sympathy for people who move where there are no resources, be it water, air, jobs, roads, land, and then complain that they're being cheated out of those same resources. I've spent a lot of time fighting the stupidity of people who can't seem to realize what they've done. They have moved to the desert and they complain that there's no water. They move to the North Woods and complain there are no jobs. They move up north and complain that there are no roads. They buy SUVs and complain about the price of gas. They move to the suburbs and complain about high taxes without realizing that they are net-receivers of taxes from people who live in cities. We must keep the water here. We must keep it clean and we must stop fooling around. We are running out of time. Thank you.

MODERATOR: Mary Harrison? And then Chris Sherbert.

MARY HARRISON: Good evening. My name is Mary Harrison. I live on McCormick Street in Elway. I am here as a mom and I want to congratulate the Council of Great Lake Governors on your work. This is a huge accomplishment, not an easy task that you've pulled off. And I'm also excited about the collaboration amongst the states. I'm here to say that I will support this proposal. I oppose any dilution of it and of course would love to see it as a continuing on for us to learn how to even get better at it. But I agree, it's time to go forward and I really commend the great work that you've done. Thank you very much.

CHRIS SHERBERT: Good evening. My name is Chris Sherbert. I'm here on behalf of the Nature Conservancy in Wisconsin, representing our nearly 22,000 members statewide. I am the conservancy's land protection specialist for the Door Peninsula and the Green Bay Watershed Project. The Nature Conservancy is an international non-profit organization, dedicated to preserving the plants, animals and natural communities that represent the diversity of life on earth by protecting the lands and waters they need to survive. Excuse me. In the eight Great Lakes States alone the Conservancy has a

combined membership of more than 235,000. We have protected hundreds of thousands of acres of land and water in the Great Lakes States and Canada. A substantial number of these protected areas are contained within the Great Lakes Basin. In Wisconsin the Conservancy has protected thousands of acres of land and water on the Door Peninsula, the Chequamegon Bay Watershed on Lake Superior and in southeast Wisconsin. Our work in these areas in large part is focused on the lands, wetlands and waterways that contribute to the health of the Great Lakes. The Nature Conservancy supports the proposed annex and believes this historic, this historic annex has the potential to become a worldwide model for water management and conservation. As an advisory member of the governors and premiers management working group for the annex, the Conservancy has welcomed the opportunity to bring our best science to be (not understandable) strategy to manage an entire ecosystem. While we support this annex overall, in order to effectively protect and improve the Great Lakes ecosystem, the agreement needs to be strengthened in four specific areas which have been mentioned by other people I believe. Water conservation, the averaging period, the phase-in time to implementation, and the application of the improvement standard. Our first recommendation is that the agreement specifies what is required to meet the water conservation standard. There are many known improvement conservation practices. The compact should establish benchmark conservation requirements based on the type of withdrawal. We encourage the states and provinces to develop and commit to regional water conservation goals that will be met by implementation of environmentally sound and economically feasible water conservation measures. Our second recommendation is that the averaging period be 30 days so that all water use (not understandable) are subject to the same standards. This will prevent harm to freshwater ecosystems caused by unmanaged withdrawals. The 100 day, the 120 day averaging period proposed is not based on environmentally sound science and poses considerable risks to freshwater ecosystems including tributary, streams, rivers, wetlands and groundwater. These freshwater systems contribute to the (not understandable) health of the Great Lakes ecosystem and species. For example, it would use, it would allow users to withdraw the highest quantities of water during the driest months. These are the months when streams and other sensitive ecosystems are most vulnerable. Users could do this without meeting any of the standards as long as their average withdrawal was below the 100,000 gallons per day over those 120 days. Averaging periods longer than 30 days would exempt from oversight, many withdrawals that are likely to damage fresh water ecosystems. Third, we recommend a five year phase in period to (not understandable) to manage withdrawals. We understand that states and provinces may need time to develop new water management programs that are consistent with these standards. However, as a region we need to implement consistent water management standards in a timely manner and should not wait to propose 10 years to implement this policy (not understandable) restrictions. These standards should be implemented as soon as possible to avoid further degradation in the Great Lakes Ecosystem from unmanaged withdrawals. And finally, we recommend that all water users should be required to improve the ecosystem, holding all withdrawals to the standards of no harm, water conservation, and improvement was the core commitment of Annex 2001. Allowing withdrawals under 5 million gallons per day to exempt from the improvement standard creates substantial potential for harm consistent both locally and system-wide. This commitment is precedent-setting. A strong improvement standard catalyzes the region to think creatively and collectively about how our natural systems can be improved. This policy loses its restorative power when all users are not required to improve the ecosystem through water use. Individually, these improvements do not need to be large and costly.

MODERATOR: Could you (not understandable) that please?

CHRIS SHERBERT: Users will incrementally do (not understandable) damage.

MODERATOR: (not understandable) your remarks. And I'd remind you again that written comments may be submitted to (not understandable). And thank you on behalf of the Department of Natural Resources and the (not understandable) Governor's (not understandable).

(break in tape)

FEMALE: (not understandable) is that part of the requirements that we're hoping is that the threshold starts at a (not understandable) 100,000 gallons per day and we're hoping that (not understandable) have withdrawals (not understandable) the users that are under 100,000 gallons per day because our inland lakes and rivers and streams (not understandable). Even though they're under that 100,000 gallons per day and the way we're proposing that be done is that as part of the conservation planning requirements that the states have (not understandable) compact has been (not understandable) that local, that it be required that conservation and (not understandable) management planning be mandated to be part of municipal managed planning (not understandable) and master plans and so on. And you know, just to give an example of how important that could be, think right here in Brown County in the 60s and 70s they were managing plans and watershed planning at that time. We might not be faced with a (not understandable) water use issues in this area at the aquifer that (not understandable) and so on. But those are just good examples of why it (not understandable) important. Plus it will take some of the burden off of the state on managing water uses and by municipalities taking over some of that (not understandable).

CHUCK LEDIN: OK. Well thanks everyone for coming (not understandable) come out tonight and appreciate you taking the time. I thought everyone was extremely well versed in the issues (not understandable) move forward and thank you for that. Have a safe trip home.

(end of recording)